

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LESLIE GAIL SWINDAHL,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 25-5247-MLP

ORDER

This matter is before the Court on the Commissioner's Unopposed Motion to Remand. (Dkt. # 9.) The Commissioner indicates that further proceedings are necessary to recover Plaintiff's complete file, which includes a hearing recording that is currently unaccounted for. (*Id.* at 2.) Plaintiff raises no objections. (*Id.*) Accordingly, finding good cause, the Court GRANTS the Commissioner's motion to remand pursuant to sentence six of 42 U.S.C. §405(g). On remand, the Appeals Council will continue to search for the missing evidence. If the evidence cannot be located in a reasonable period of time, the Appeals Council will remand the case for a *de novo* hearing. However, to ensure that the case does not stall, the Court ORDERS that the matter be remanded for an expedited *de novo* hearing if the missing files are not located by August 18, 2025. *See, e.g., Kris K. v. Kijakazi*, 2022 WL 11128045, at \*3 (S.D. Cal. 2022) (collecting cases).

1 Further, because the remand is pursuant to sentence six, this Court retains jurisdiction and  
2 no final judgment will be entered with this order. *See, e.g., Melkonyan v. Sullivan*, 501 U.S. 89,  
3 98, 101-02 (1991); *Kris K.*, 2022 WL 11128045, at \*3. However, while retaining jurisdiction,  
4 this Court ORDERS that this case be administratively closed, subject to reopening at the request  
5 of either party upon the completion of the proceedings on remand, at which time the  
6 Commissioner will be obligated to file a certified administrative record. *See Kris K.*, 2022 WL  
7 11128045, at \*3.

8 Dated this 19th day of May, 2025.

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10 MICHELLE L. PETERSON  
11 United States Magistrate Judge  
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